

# SENATE BILL REPORT

## SB 5133

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As Reported by Senate Committee On:  
Government Operations, Tribal Relations & Elections, February 1, 2011

**Title:** An act relating to using state correctional facility populations to determine population thresholds for certain local government purposes.

**Brief Description:** Using state correctional facility populations to determine population thresholds for certain local government purposes.

**Sponsors:** Senators Schoesler, Baumgartner and Delvin.

**Brief History:**

**Committee Activity:** Government Operations, Tribal Relations & Elections: 1/25/11, 2/01/11 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

**Staff:** Sharon Swanson (786-7447)

**Background:** The Optional Municipal Code (Code) specifically provides for two plans of government for noncharter code cities: the mayor-council plan and the council-manager plan. Under both plans, the Code limits the number of council members in a noncharter code city according to the population of that city.

For the purpose of determining population thresholds, the population of a code city is determined by reference to either the most recent state or federal census, or the population statistics compiled by the Office of Financial Management. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Mayor – Council Plan of Government. In a charter code city, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed 11.

In a noncharter code city, the number of council members varies according to population. In cities with populations of:

- fewer than 2500 inhabitants, there are five council members; and
- greater than 2500 inhabitants, there are seven council members.

In cities with a fluctuating population:

- If the population decreases from 2500 or more inhabitants to fewer than 2500 inhabitants, council membership must remain at seven.
- If the population increases from fewer than 2500 inhabitants to more than 2500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5000 or more inhabitants, council membership must increase from five to seven members.

Council – Manager Plan of Government. In a charter code city, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed 11.

In a noncharter code city, the number of council members varies according to population. In cities with populations of:

- fewer than 2500 inhabitants, there are five council members; and
- greater than 2500 inhabitants, there are seven council members.

In cities with fluctuating population:

- If the population decreases from 2500 or more inhabitants to fewer than 2500 inhabitants, the council membership must remain at seven.
- If the population increases from fewer than 2500 inhabitants to more than 2500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5000 or more inhabitants, council membership must increase from five to seven members.

Small City Pavement and Sidewalk Account. State law provides for the Small City Pavement and Sidewalk Account (Account) in the state treasury. Cities and towns with a population of fewer than 5000 inhabitants are eligible to receive money from the Account for the maintenance, repair, and resurfacing of city and town streets. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold.

**Summary of Bill (Recommended Substitute):** A code city or town with a mayor-council form or council-manager form of government may include the population of any state correctional facility within its jurisdiction in calculating the population thresholds pertinent to determining the requisite number of city council members.

A city or town may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds relevant to determining its eligibility to obtain funding from the Account.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** Clarifies that a qualifying city can exclude as well as include the population of a corrections facility for the purposes of qualifying for the Small City Pavement and Sidewalk Account.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill impacts two cities in the state, Connell and Airway Heights. Connell's noninmate population is around 2600. That number grows to 4200 when the inmate population is counted. Recruiting seven council candidates and bearing the financial and administrative burden of having a seven-member council is problematic. Small city grant programs are an important funding source. This bill simply allows Connell and Airway Heights the ability to not count the prison population in their jurisdictions for the limited purposes stated. The bill was unopposed last session, time ran out before it could make it to the floor in the Senate.

**Persons Testifying:** PRO: Steve Taylor, City of Connell; Candice Bock, Association of Washington Cities.